

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | No.: 3:24-CR-71-KAC-JEM-1 |
| v. |) | |
| |) | |
| ANTOINE A. WILCOX, |) | |
| |) | |
| Defendant. |) | |

ORDER ADOPTING REPORT & RECOMMENDATION

Before the Court is United States Magistrate Judge Jill E. McCook’s “Report and Recommendation” (“Report”) entered on July 23, 2024 [Doc. 31]. On June 20, 2024, a grand jury indicted Defendant Antoine E. Wilcox (1) on four (4) counts in this District: Count One charges Defendant Wilcox with conspiracy to distribute 400 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A); Count Two charges Defendant Wilcox with conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(a)(1)(A)(i) and (h); Count Three charges Defendant Wilcox with possession with intent to distribute 400 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A) and 18 U.S.C. § 2; and Count Four charges Defendant Wilcox with possession of firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2 [Doc. 3 at 1-3].

Defendant Wilcox was arrested on those charges in the Eastern District of Michigan [See Doc. 8 at 1]. After his arrest, Eastern District of Michigan Magistrate Judge Anthony Patti held a detention hearing for Defendant Wilcox [See *id.*]. At the hearing, Judge Patti

ordered that Defendant Wilcox be released on conditions, but Judge Patti stayed his order to give the United States an opportunity to appeal his decision to this Court [*See id.*]. The United States did so, filing an “Emergency Motion under 18 U.S.C. 3145 for Revocation of Magistrate Judge’s Release Order” [Doc. 8]. In that Motion, the United States asks the Court to “further stay the release order” and “ultimately revoke the release order” [Doc. 8 at 3-4].


Thereafter, this Court (1) stayed “Judge Patti’s order setting conditions of release until the [Court] adjudicates the United States’s request for revocation of the release order” and (2) referred the “remainder of the United States’s . . . [Motion] to United States Magistrate Judge Jill E. McCook for a report and recommendation” [Doc. 9 at 2]. Judge McCook held a hearing on July 17, 2024 [*See* Doc. 24]. After that hearing, Judge McCook filed the Report [Doc. 31].

The Report first “finds” that “a presumption in favor of detention applies in this case under 18 U.S.C. § 3142(e)(3)” [Doc. 31 at 20]. The Report then concludes that, even assuming Defendant Wilcox rebutted the presumption in favor of detention, by “clear and convincing evidence,” “Defendant Wilcox poses a danger to the community” and by “a preponderance of the evidence,” “he poses a risk of nonappearance” [*Id.* at 27]. And there are “no conditions that would mitigate that danger and reasonably assure the safety of the community or Defendant’s appearance for court proceedings” [*Id.*]. The Report therefore recommends that the Court “grant” the remainder of the United States’s Motion [Doc. 8], “revoke the release order, and order that Defendant [Wilcox] remain detained pending further proceedings in this case” [*Id.* at 28]. No Party objected to the Report [Doc. 31], and the time to do so has passed.

After reviewing the record, the Court **ACCEPTS** and **ADOPTS** the Report [Doc. 31] under 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59(a). The Court:

- (1) **GRANTS** the remainder of the United States’s “Emergency Motion under 18 U.S.C. 3145 for Revocation of Magistrate Judge’s Release Order” [Doc. 8];
- (2) **REVOKES** Judge Patti’s order releasing Defendant Wilcox on conditions; and
- (3) **ORDERS** that Defendant Wilcox remain detained pending further proceedings in this case.

SO ORDERED.



KATHERINE A. CRYTZER
United States District Judge